

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

ARKADIY DUBOVOY, et al.,

Defendants.

CA No: 15-cv-06076 (MCA-MAH)

**DECLARATION OF JOHN
DONNELLY IN SUPPORT OF
PLAINTIFF'S MOTION TO
STRIKE ANSWER AND
AFFIRMATIVE DEFENSES OF
DEFENDANT MEMELLAND
INVESTMENTS LTD. AND
ENTER ITS DEFAULT**

I, John Donnelly, hereby declare as follows:

1. I am a senior trial counsel in the Securities and Exchange Commission's (the "Commission") Philadelphia Regional Office, located at 1617 JFK Boulevard, Suite 520, Philadelphia, Pennsylvania 19103, and represent the Commission in this matter. I make this declaration in support of the Commission's Motion to Strike the Answer and Affirmative Defenses of Defendant Memelland Investments Ltd., and Enter Its Default.

2. On October 30, 2018, counsel for Memelland Investments Ltd. ("Memelland") filed a motion to withdraw. (Docket Nos. 348, 350-351). Counsel had represented Memelland since shortly after this case was filed in 2015 and,

among other things, had accepted service of process on behalf of Memelland. (Docket No. 166). On November 30, 2016, Memelland filed an answer and asserted certain affirmative defenses. (Docket No. 318).

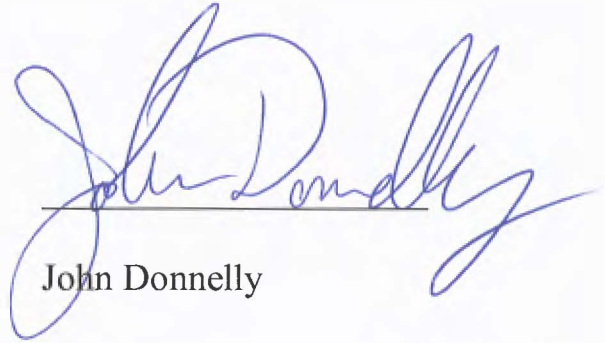
3. On March 15, 2019, the Court held an in-person hearing regarding counsel's motion to withdraw from its representation of Memelland. A true and correct copy of the relevant portion of the transcript of that hearing is attached hereto as Exhibit 1.

4. Attached hereto as Exhibit 2 is a true and correct copy of the district court's order adopting the report and recommendation of Judge Arleo to strike the answer and affirmative defenses and enter default against a corporate defendant who was no longer represented by counsel in *Kim v. Sharon Hana Preschool & Academy*, No. 11-cv-5797, Docket No. 30 (D.N.J. Jan. 9, 2013).

5. Attached hereto as Exhibit 3 is a true and correct copy of the district court's order adopting the report and recommendation of Judge Arleo, as it applied to an unrepresented corporate defendant only, to strike the answer and affirmative defenses and enter default against the corporate defendant in *Shandex Indus. Inc. v. Vent Right Corp.*, No. 09-cv-4148, Docket No. 66 (D.N.J. Mar. 19, 2012).

I, John Donnelly, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed on this 25th day of July 2019.



John Donnelly